

Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023

Senate Standing Committees on Environment
and Communications

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About ACOSS

The Australian Council of Social Service (ACOSS) is a national voice in support of people affected by poverty, disadvantage and inequality. We are the peak body for the community services and civil society sector. ACOSS consists of a network of approximately 4000 organisations and individuals across Australia in metro, regional and remote areas. Our vision is an end to poverty in all its forms; economies that are fair, sustainable and resilient; and communities that are just, peaceful and inclusive.

Discussion

ACOSS welcomes the opportunity to comment on the *Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023*.

Purpose of the Bill

The Bill proposes to add two statutory duties on decision-makers for significant decisions made under these Acts.

Where significant decisions are likely to directly or indirectly result in substantial greenhouse gas emissions, the decision maker:

1. Must consider the likely impact of the emissions on the health and wellbeing of current and future Australian children and consider their health and wellbeing as the paramount consideration; and
2. In the case of decisions involving the exploration or extraction of coal, oil or gas, the decision maker is prevented from making decisions where the resulting greenhouse gas emissions are likely to pose a material risk

of harm to the health and wellbeing of current and future Australian children.'

Climate change impacts and response harm people and communities experiencing disadvantage.

Rapidly worsening climate change is hurting our communities.

It directly threatens people's rights to food and water security, health, safe and adequate housing, energy, secure employment, sustainable environments, self-determination and expression of culture.

Our sector has seen firsthand the devastation of increasing extreme weather events, made worse by climate change, on communities in which they work. This has affected people's mental and physical health, homes, jobs, quality of life, and in some cases, resulted in loss of life. The destruction caused by extreme weather events hits people experiencing financial and social disadvantage first, worst and longest, because they have fewer resources or options to cope, adapt or recover. Climate change is already exposing them to greater levels of harm and disadvantage, posing a particular threat to First Nations communities.

The inequitable effects of climate change on people who are disadvantaged can be either mitigated or compounded by government policy responses. Poorly targeted and inequitable policies to reduce greenhouse gas emissions disproportionately benefit people with wealth, choice and control, leave people on low incomes paying disproportionately more towards the clean energy transition¹ and missing out on benefits provided through more energy efficient homes², rooftop solar,³ electric vehicles⁴ and potential new jobs. This impacts health and wellbeing, and increases poverty and inequality.

People most at risk to climate change impacts and an inequitable transition include: First Nations People and communities; multicultural and marginalised communities; people living with disabilities and their carers; people experiencing poverty; people in regional and remote locations; older people; children; and women.⁵

Inaction on climate change is also an intergenerational equity issue, posing a major threat to the future of our young people.

It's clear that climate change impacts and a slow, poorly managed transition to zero emissions are a major threat to ending poverty and reducing inequality. It also threatens our sector's capacity to support communities.

Without rapid, fair and inclusive action on climate change, these threats will continue to worsen.

¹ ACOSS (2020) [ACOSS Health of the NEM 2020: Current and emerging affordability issues for people on low incomes](#)

² ACOSS (2023) [ACOSS Submission to residential electrification](#)

³ Ibid

⁴ ACOSS (2023) [Submission to the consultation paper on the design of a Fuel Efficiency Standard for Australia](#)

⁵ ACOSS (2023) [Submission on setting and achieving Australia's emissions reductions targets: issues paper](#)

Fair, equitable and inclusive climate change action can reduce poverty and inequality.

If we get the policy settings right, we can reduce emissions fast and improve equity and resilience for people with the least or who are most marginalised.

We can cut emissions and empower **First Nations** people to access and manage renewable energy and batteries; make Aboriginal and Torres Strait Islander community housing more energy efficient and healthier; enable First Nations communities to manage carbon offset projects as a source of revenue and access sustainable jobs on Country; and support First Nations people to exert rights to sovereignty, self-determination and free, prior and informed consent in the extraction, production and use of resources on their lands and territories.

We can cut emissions and relieve the suffering of millions of people on low incomes through **upgrading sub-standard housing**. That is, upgrades to be electric, energy efficient and powered by rooftop solar, to reduce energy hardship, improve health and create jobs.

We can cut emissions and **end transport inequality** through greater investment in accessible public transport and active transit (e.g. walking, cycling and rolling), and targeted programs to access electric vehicles.

We can cut emissions and reduce inequality **in the regions** through investment in distributed renewable energy, housing retrofits, accessible clean transport options, diversified economies and sustainable jobs.

We need broader fairness, equity and inclusion objectives and principles in the Climate Change Act 2022.

While the Federal Government is producing a wellbeing framework⁶ that has fairness, equity and inclusion at its core, the framework's primary purpose is to track where we are doing well and where we need to do better over time. Despite ACOSS' advocacy for the framework to be a mechanism to drive policy and progress, not just measure it, including by being embedded in the budget decision making process, it is not currently adapted to that purpose.⁷

ACOSS and our members are particularly concerned that Australia will see increasing poverty and inequality if the *Climate Change Act 2022* does not have clear fairness, equity and inclusion principles to guide the development of emission reduction policies, programs or processes in ways that centre people experiencing disadvantage. Greater guidance in the legislation will assist all relevant arms of government to make better decisions and implement those decisions more fairly and effectively.

⁶ <https://ministers.treasury.gov.au/ministers/jim-chalmers-2022/media-releases/release-national-wellbeing-framework>

⁷ [ACOSS submission to Measuring What Matters](#), February 2023.

While ACOSS provides in-principle support for the proposed *Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023*, it does not go far enough to protect and support people and communities currently experiencing disadvantage – i.e. intragenerational equity.

In the [ACOSS submission on the 2022 Climate Change Bill](#), we called for the legislation to recognise:

- That climate change is a serious challenge to the rights, health and wellbeing of people, communities and the environment.
- This requires a planned, fair, equitable and inclusive transition towards a net zero economy.
- That decisions should be consistent with Australia doing its fair contribution to limit the increase in global warming to well below 2°C and pursuing efforts to limit it to 1.5°C above pre-industrial levels.
- That fairness, equity (including intergenerational equity) and inclusion principles should be inserted and applied when developing policies, programs and processes to achieve Australia’s emissions reduction targets.

Recommendation

Alongside the *Duty of Care and Intergenerational Climate Equity Bill*, ACOSS recommends further reform of the *Climate Change Act 2022* to ensure a fair, equitable and inclusive transition to net zero emissions, that leaves no one behind. This would require the Federal Government and its agencies to have regard to social and economic fairness, equity and inclusion in developing policies, procedures and processes to achieve national emissions reduction targets.

ACOSS is currently drafting updated amendments from those we proposed in 2022. Broadly, the amendments should cover the following principles:

- That climate change is a serious challenge to the rights, health and wellbeing of people, communities and the environment. That Australia should aim for an inclusive, sustainable, net zero emissions society that actively improves outcomes for all people, communities and the environment, including creating equity, upholding self-determination and improving community wellbeing and resilience to climate change impacts.
- This requires a planned, fair, equitable and inclusive transition towards a net zero emissions economy and the implementation of adaptation measures to protect lives, people’s health and wellbeing, livelihoods, business and the environment.
- That decisions under this *Act* should be consistent with Australia doing its fair share to limit the increase in global warming to well below 2°C and pursuing efforts to limit it to 1.5°C above preindustrial levels.
- That in developing policies, programs or processes to achieve Australia’s greenhouse gas emissions reduction targets, the following principles must also be considered:

- Ensure climate change decision-making accounts for the burdens of impacts and responsibility for mitigation and adaptation actions, to be shared fairly, allowing for intergenerational equity and social, cultural and economic differences. Further, that mitigation and adaptation actions consider the health and wellbeing of current and future children, and of people and communities who experience social or financial disadvantage, ensuring they are not worse off, and ideally benefit, reducing poverty and inequality.
- Promote health and wellbeing in climate change action, prioritising people experiencing disadvantage.
- Promote inclusiveness through informed decision-making, by facilitating mechanisms for affected people and communities to engage in decision-making and be self-determining, prioritising those experiencing disadvantage, removing inclusion and representation barriers, and facilitating avenues for leadership.
- Uphold First Nations' rights to sovereignty and self-determination, and free, prior and informed consent. Through resources and capacity-building, support Aboriginal and Torres Strait Islander peoples to be informed about and lead climate change related policymaking that affects them and be self-determining.
- Ensure the transition to a decarbonised economy is fair, equitable and inclusive of affected workers and communities, including of people experiencing disadvantage, and addresses barriers to employment in those communities.
- Promote ecological sustainability, including biodiversity protection and nature repair, in climate change mitigation and adaptation, prioritising communities most vulnerable to climate change impacts and centring First Nations People in environmental management.
- Take immediate action to make deep emissions reductions to reduce risks and future costs, and enable more ambitious targets as circumstances change, including climate science, technology advancement and community expectations.

Acknowledgements

ACOSS prepared this submission in consultation with the ACOSS Climate and Energy Policy Network.

Contact

Rochelle Braaf
Senior Advisor, Climate and Energy
rochelle@acoss.org.au